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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,801	12/15/2000	William J. Beyda	00 P 9081 US	2375

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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12/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/738,801	<b>Applicant(s)</b> BEYDA, WILLIAM J.	
	<b>Examiner</b> JAMES SHELEHEDA	<b>Art Unit</b> 2424	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 08/27/09 have been fully considered but they are not persuasive.

On page 7, applicant argues that the email page 110 was active prior to activation of the photo link 122.

In response, it is noted that the claim merely requires an "activate signal" which then "activates" a video email feature.

Cleron discloses where a user will press a button to "activate" a video email feature, i.e. the recording of a video clip to be inserted into a video email (Fig. 7; column 7, lines 9-44). Recording a video clip clearly meets the broad claim limitation of a video email "feature".

On page 8, applicant argues that the email page of Cleron (in steps 200-204) is open before opening the video capture of step 206.

In response, Fig. 9 indicates that an "email page with attached clip" is generated and rendered after the user presses the add to message button (see steps 212-218; column 7, lines 14-27). Thus, the system clearly "launches an email message in an email application" after the user presses the "add to message" button to indicate that the clip is finished and to be added to the email.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-7, 10-13, 15-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Cleron et al. (Cleron) (6,223,213).

As to claim 1, Cleron discloses a method, comprising:

receiving an activate signal activating a video email feature (user selection to record video; column 5, lines 2-10);

sending a start clip signal responsive to said activate signal (selection manager issuing commands based upon user input; column 5, lines 2-10, column 6, lines 9-48);

storing streaming video as an e-mail video clip responsive to said start clip signal (capturing video stream; column 6, lines 35-48);

receiving an end of clip a deactivate signal ("add to message signal" ending capture and adding the video to the email; column 6, lines 35-48);

launching an e-mail message in an e-mail application responsive to said end of clip deactivate signal ("add to message signal" initiating display of an email message with the clip attached; column 6, lines 35-48 and column 7, lines 8-27);

automatically attaching said e-mail video clip at least a portion of said video as an attachment to said e-mail message without user interaction responsive to the end of clip deactivate signal (the “add to message” input will end capture, store and attach the video to the email; column 6, lines 35-48 and column 7, lines 8-27); and

transmitting the e-mail video clip as an attachment to said e-mail message to one or more selected recipient (column 7, lines 47-56).

As to claims 4, 10, 16, 19 and 22, Cleron discloses a telecommunications device, and corresponding method, comprising:

a local area network (Fig. 1; column 1, lines 11-23, column 3, lines 1-24);

a video email system coupled to said local area network (Fig 1), the video email system including:

a video input device for generating video images (column 4, lines 33-40), said video input device including a video control input (column 5, lines 2-10 and column 6, lines 11-13);

a monitor for displaying said video images (see Fig. 2 and 7); and

a Web Access device including an e-mail module (column 3, lines 1-32), said Web Access device configured to receive streaming video from said video input device responsive to a start video e-mail command signal to said video control input (capturing video stream; column 6, lines 35-48), storing streaming video in a video clip responsive to said start clip signal (capturing video stream; column 6, lines 35-48), an end of clip signal to said video control input automatically opening an e-mail message in an e-mail

compose window and attaching a video clip of said streaming video without user interaction, to the e-mail message responsive to said end of clip signal (the “add to message” input will end capture, store and attach the video to the email; column 6, lines 35-48 and column 7, lines 8-27), said clip attached to said e-mail message being transmitted to one or more selected recipient (column 7, lines 47-56).

As to claims 5 and 11, Cleron discloses wherein signals from said video control module are provided from responsive to a switch associated with said video input device (column 5, lines 2-10 and column 6, lines 11-13).

As to claims 6 and 12, Cleron discloses wherein said web access device further includes a compression control module selecting a compression format for each transmitted clip attached to an email message (column 6, lines 35-44) and signals from said video control module are provided responsive to a remote controls switch associated with said video input device (column 5, lines 2-10 and column 6, lines 11-13).

As to claims 7 and 13, Cleron discloses wherein signals from said video control module comprise a signal from a button associated with a GUI (Fig. 7; column 6).

As to claim 15, Cleron discloses wherein said web access device comprises a personal computer (column 1, lines 1-29 and column 3, lines 1-24) and further includes

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a video control module supervising reception and storage of video clips (column 6, lines 9-44), a compression control module selecting a compression format for each transmitted clip attached to an email message (column 6, lines 35-44) and an email module control module activating and controlling emailing (column 6, lines 45-62).

As to claim 17, Cleron discloses wherein at least one recipient is another entity on said LAN (Fig. 1; column 1, lines 11-23, column 3, lines 1-24, column 7, lines 47-56).

As to claim 18, Cleron discloses wherein at least one recipient is an entity external to said LAN (Fig. 1; column 1, lines 11-23, column 3, lines 1-24, column 7, lines 47-56).

As to claim 20, Cleron disclose wherein an end of clip signal is a manual end of clip command (the "add to message" input will end capture, store and attach the video to the email; column 6, lines 35-48 and column 7, lines 8-27).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 8, 9, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleron.

As to claim 2, while Cleron discloses attaching said email video clip compressed in a default compression format (column 6, lines 35-53), he fails to specifically disclose presenting an option for selecting a different compression method.

Nevertheless, the Examiner takes Official Notice that it was notoriously well known in the art at the time the invention was made to allow selection of a compression method. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Cleron by allowing user selected compression methods in order to allow versatility in storage and transmission formats to ensure proper playback.

As to claims 3, 8, 14 and 21, while Cleron discloses wherein the monitor is a television (column 3, lines 57-67), the claimed "receiving said end of clip signal...responsive to a timeout of a timer" is not taught by Cleron. Nevertheless, the Examiner takes Official Notice that it was notoriously well known in the art at the time of the invention to use a timer as a deactivate signal. It would have been obvious for one skilled in the art at the time of the invention to modify the system and method of Cleron by using a timer deactivate signal in order to simplify user tasks.

As to claim 9, Cleron discloses wherein said web access device comprises a personal computer (column 1, lines 1-29 and column 3, lines 1-24) and further includes



a video control module supervising reception and storage of video clips (column 6, lines 9-44), a compression control module selecting a compression format for each transmitted clip attached to an email message (column 6, lines 35-44) and an email module control module activating and controlling emailing (column 6, lines 45-62).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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## **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Typed or printed name of person signing this certificate:

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Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/  
Primary Examiner, Art Unit 2424

JS